

Remarks

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided on March 11, 2004, and for the acknowledgment of Application's Information Disclosure Statements filed on July 30, 2003 and November 5, 2003, by return of the form PTO-1449.

Applicant acknowledges with appreciation the indication that claims 4 and 13 contain allowable subject matter, on page 6 of the Official Action.

Upon entry of the above amendments, the title of the invention, and claims 1-4, 6, 8-13, 15, 16, 18-21, will have been amended, and claims 5 and 14 will have been cancelled. Further, new claims 22 -25 will have been added. Thus, claims 1-4, 6-13, 15-25 are currently pending. Applicant respectfully requests reconsideration of the outstanding objections and rejections, and allowance of all the claims pending in the present application.

In the outstanding Official Action, three matters are set forth as follows:

1. The title of the invention is not descriptive.
2. The numbers designation of the parts in the abstract are not in parenthesis.

3. Claims 1-3, 5-12, 14-21 are rejected as being anticipated by Martell (US 5,508,586).

Applicant respectfully submits responds to above matters individually in these remarks.

1. The title of the invention is not descriptive.

According to the Examiner's request, at the first paragraph, page 2 of the Official Action, Applicant has submitted a new title for the old one. The new title is "Vacuum Container and Display Device Having a Getter With a Getter Material." Applicant submits that the amended phrase in the title, "Having a Getter With a Getter Material," is fully indicative of the invention, therefore, the request for a new title has now been satisfied.

2. The numbers designation of the parts in the abstract are not in parenthesis.

The Examiner asserted that the abstract of the disclosure is objected to because of numbers not being in parenthesis and required correction. However, Applicant has already removed all numbers from the abstract in the first response filed October 7, 2003. Therefore, Applicant respectfully requests reconsideration of the requirement for an amended abstract.

3. Claims 1-3, 5-12, 14-21 are rejected as being anticipated by Martell (US 5,508,586).

At the second paragraph, page 2 of the Official Action, claims 1-3, 5-12, and 14-21 are rejected under 35 U.S.C 102(b) as being anticipated by Martell (US 5,508,586), of record. Applicant respectfully traverses this rejection.

Initially, Applicant notes the comma between “to be deposited” and “ and said control plate member” at line 11 in the amended claim 1 and claim 9. Due to the comma, two limitations with respect to the holder and the control plate member are defined as set forth below.

The holder is

configured to support the getter material in a manner such that an initial spreading direction of the getter material during evaporation is away from a surface upon which the getter material is to be deposited, and

The control plate member is

arranged in the initial spreading direction of the getter material and configured to control spreading of the getter material in order to direct the getter material back toward the surface upon which the getter material is to be deposited.

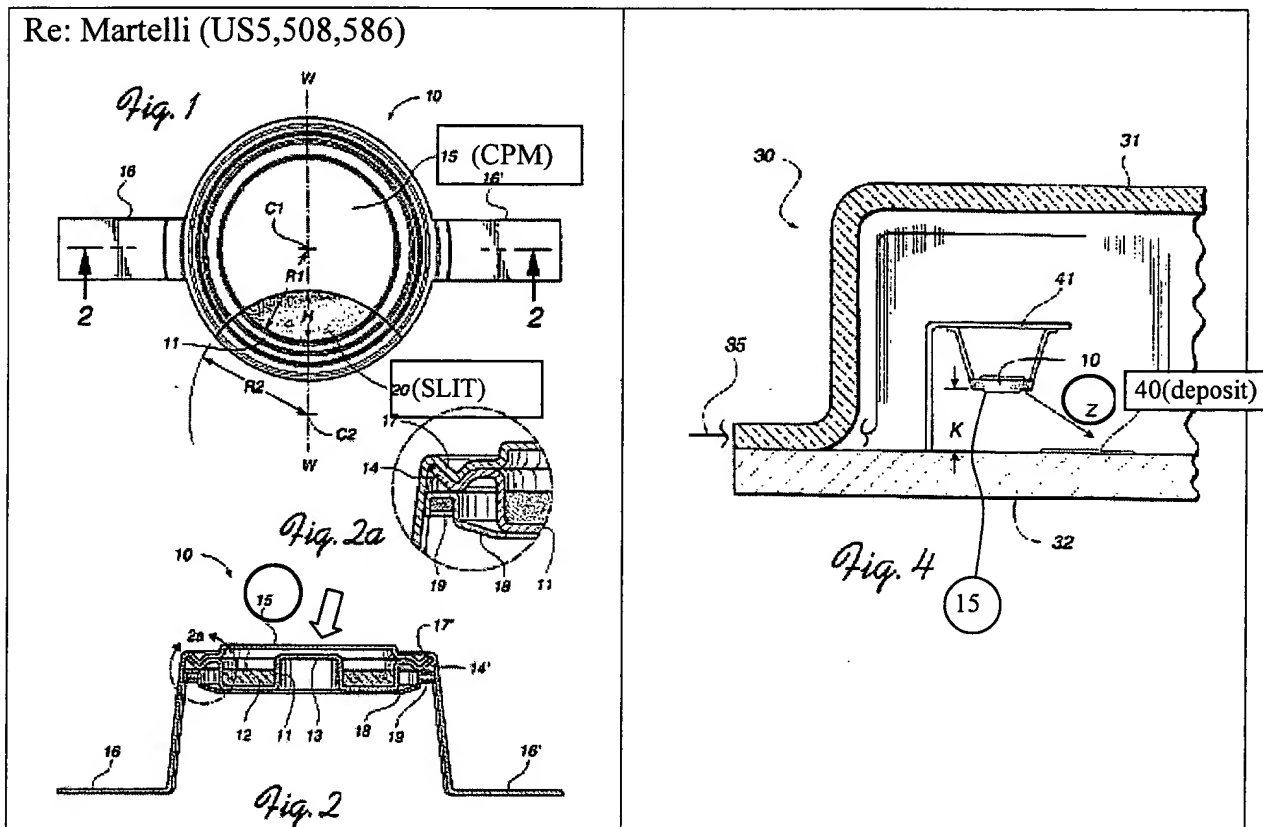
At the third paragraph of page 4 of the Official Action, the Examiner asserts that the limitation appears to be an intended use limitation and thus is not afforded patentable weight. Applicant submits that the limitation is not an “intended use limitation.”

The limitation recites "the holder being configured to support, and the control plate member is arranged in...and configured to control spreading..." The verb, "configure," is a structural recitation meaning to arrange something in a particular way so that something will work well, and the verb describes fully the structural, positional, and functional relations between the holder and the spreading direction of the getter material, and between the control plate member and the spreading direction according to the present invention. Accordingly, Applicant submits that the above-noted limitation of claimed 1 and 9 is not an "intended use limitation."

Additionally, Applicant herein traverses the rejection of claims 1 and 9 under 35 U.S.C. §102(b) as being anticipated by Martelli(US 5,508, 586).

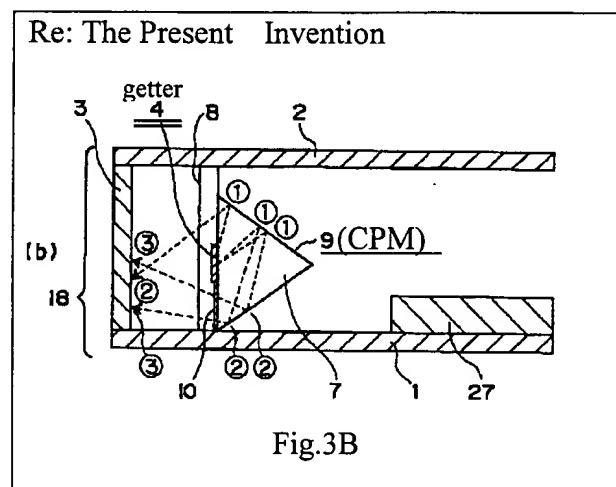
Claims 1 and 9, as presently amended, each include, inter alia, "a control plate member, which defines a hollow space that has an opening, a closed end of the control plate member, being smaller than the opening." In accordance with these amendments, claims 2 and 11 have been amended so as to eliminate duplicate limitations. Applicant submits that Martelli lacks any disclosure of "a control plate member, which defines a hollow space that has an opening, a closed end smaller than the opening" in the claimed combination.

The Examiner asserts that Fig. 2 of Martelli discloses a “control plate member (CPM15).” However, CPM 15 has an opening (SLIT 20, Fig.1) and appears to be able to reflect some getter material. However, CPM 15 clearly has a disk-like shape (see Fig.2 below). Therefore, CPM 15 does not have a hollow space. In addition, the spreading direction of the getter material can not be controlled as recited. As shown in Fig. 4 (see the arrow Z) and discussed at column 5, lines 53-61 and the first paragraph of column 6, the evaporated getter material that reaches deposit 40 is emitted directly through the slit 20. On the other hand, getter that is reflected by CPM 15 appears not to be deposited to deposit 40.



Further, by the present amendments, the claim recites, inter alia, that the control plate member of the present invention has “a hollow space that has an opening” and “a

closed end of the control plate member, being smaller than the opening.” Accordingly, the spreading direction of the getter material can be controlled by the closed end when the getter material scatters by evaporation. A preferable embodiment of the present invention is shown in Fig 3B. In the drawing, dotted lines and circled numbers (1-3) indicate the route of evaporated getter materials which are reflecting by control plate member (CMP) 9.



Martell fails to disclose several features of this present invention, especially “the control plate member, which defines a hollow space..., a closed end..., being smaller than the opening.” Thus, Applicant respectfully submits that the rejection of claims 1 and 9 under 35 U.S.C. § 102 (b) is improper at least for each and certainly for all of the above noted reasons.

Applicant also submits that dependent claims 2-4, 6-8, 10-13, and 15-25 which are patentable due to their respective dependencies from claims 1 and 9, at least for the

reasons noted above, recite additional features of the present invention and are also separately patentable over the prior art of record.

In regard to the Examiner's indication of allowable subject matter in claims 4 and 13 on pages 6 of the Official Action, Applicant does not disagree with the Examiner's indication that the noted features of these claims are neither shown nor suggested by the prior art of record. However, Applicant wishes to make clear that the each of the claims in the present application recite a combination of features, and that the patentability of these claims is also based on the totality of the features recited therein, which define over the prior art. Thus the reasons for allowance should not be limited to those mentioned by the Examiner.

As mentioned above, Martelli fails to disclose, the combination of claimed features of claims 1 and 9. Additionally, there is nothing in any of the prior art applied by the Examiner in the above-noted rejections to suggest these features. Therefore, it is submitted that the Examiner's rejections of these claims are no longer proper. Thus, Applicant respectfully submits that the above-noted rejections are all improper for this additional reason, and each and every pending claim of the present invention meets the requirements for patentability under U.S.C. §103.

CONCLUSION

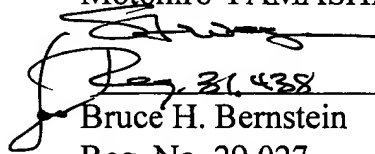
In view of the foregoing, it is submitted that the present amendments are proper for entry and that none of the references of record either taken alone or in any proper combination thereof, render obvious the Applicant's invention as recited in each of claims 1-4, 6-13, and 15-25. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have pointed out.

Accordingly, entry and consideration of the present amendments, reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attached thereto.

Should the Examiner have any questions concerning this response, or the present application, the Examiner is respectfully invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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